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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 JAMES SCOTT ALVA,

12 Plaintiff,

13 v.

14 STATE OF CALIFORNIA, et al.,

15 Defendant.  
16

Case No. 1:24-cv-0686 JLT SKO

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, DENYING  
PLAINTIFF'S MOTION TO PROCEED IN  
FORMA PAUPERIS, AND DIRECTING  
PLAINTIFF TO PAY THE FILING FEE  
WITHIN THIRTY DAYS

(Doc. 15)

17 James Scott Alva<sup>1</sup> filed this civil rights action pursuant to *Bivens vs. Six Unknown Agents*,  
18 403 U.S. 388 (1971), and seeks to proceed *in forma pauperis* in the action. (Docs. 1, 14.) The  
19 magistrate judge found that "Plaintiff has accrued three or more strikes" under 28 U.S.C. § 1915,  
20 identifying the following actions that were dismissed prior to the filing of this action:

21 1. *Alva v. Titsworth*, et al., No. 2:18-cv-00476-JAD-PAL (Nev.),  
22 dismissed with prejudice for failure to state a claim on April 20, 2019

23 2. *Alva v. Alva*, et. al., No. 2:18-cv-00788-JAD-NJK (Nev.),  
dismissed as frivolous on July 17, 2018

24 3. *Cole v. State of Louisiana*, No. 2:22-cv-01045-JAD-EDY (Nev.),  
25 adopting recommendation to dismiss for failure to state a claim on  
September 15, 2022

26 (*Id.* at 3-4.) In addition, the magistrate judge found Plaintiff does not qualify for the imminent  
27 danger exception to Section 1915. (*Id.* at 4-5.)

28 <sup>1</sup> Plaintiff also identifies himself as "jim-SCOTT:COLE." (*See* Doc. 1 at 1.)

1 In response to the Findings and Recommendations, Plaintiff filed objections (Doc. 15), a  
2 letter to the Court (Doc. 16), and a document “rebutting” the Findings and Recommendations  
3 (Doc. 17). However, Plaintiff does not appear to dispute the determination that he has three  
4 strikes under Section 1915. In addition, the Court is unable to discern any factual allegations  
5 supporting a conclusion that he was in imminent danger of serious physical injury at the time the  
6 complaint was filed.

7 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.  
8 Having carefully reviewed the matter, including Plaintiff’s objections, the Court concludes the  
9 Findings and Recommendations to be supported by the record and proper analysis. Thus, the  
10 Court **ORDERS**:

- 11 1. The Findings and Recommendations issued September 13, 2024 (Doc. 15) are  
12 **ADOPTED** in full.
- 13 2. Plaintiff’s application to proceed *in forma pauperis* (Doc. 14) is **DENIED**.
- 14 3. Plaintiff **SHALL** pay the full \$405 filing fee for this action within 30 days of the  
15 date of service of this order.

16 **Failure to pay the filing fee will result in the dismissal of this action without**  
17 **prejudice.**

18  
19 IT IS SO ORDERED.

20 Dated: **October 18, 2024**

  
UNITED STATES DISTRICT JUDGE